

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

IN RE: CONCERT COMMUNICATIONS SALES LLC	DOCKET NOS. TCU-00-13 TCU-99-13
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**ORDER ADDRESSING REQUEST FOR APPROVAL OF REORGANIZATION,
APPROVING TRANSFER OF CERTIFICATE, CANCELLING CERTIFICATE OF
PUBLIC CONVENIENCE AND NECESSITY, AND ISSUING NEW CERTIFICATE**

(Issued June 15, 2000)

On March 17, 2000, Concert Communications Sales LLC (CCS) and Concert USA (Concert) filed a request for approval of a corporate reorganization. The reorganization would involve a transfer of control whereby Concert would begin operating pursuant to the same tariff and operating authority, and employing the same customer service operations as previously used by CCS. This will also require the existing certificate of public convenience and necessity (Certificate No. 198), issued in Docket Nos. TCU-99-13 and TF-99-140, to be cancelled and a new certificate issued to Concert.

According to information provided by CCS, it has not yet commenced providing service in the state and has no customers at this time. Thus, there is no issue in this proceeding relating to the discontinuance of service pursuant to Iowa Code § 476.20.

Also, there is no "reorganization" as defined in Iowa Code § 476.76 for the Board to review, because the transaction does not involve a "public utility" as defined

for application in the "Public Utilities Affiliates" division of chapter 476. The Board will treat this application as a transfer of certificate pursuant to § 476.29(3), without a review of either a discontinuance or reorganization. The Board will apply the standards in § 476.29(2) for issuing a certificate in reviewing the transfer.

Iowa Code § 476.29(2) (1999) provides that the local exchange carrier shall not be denied a certificate if the Utilities Board (Board) finds that the applicant "possesses the technical, financial, and managerial ability to provide the service it proposes to render and the board finds the service is consistent with public interest." The Board has reviewed Concert's application and finds Concert has demonstrated that it has the necessary technical, financial, and managerial ability to provide local exchange service. It is in the public interest to approve the transfer of the certificate to Concert.

Concert is directed to file tariff pages that reflect the new company name but do not change the rates and terms of service previously approved to be offered by CCS.

The certificate of public convenience and necessity issued September 20, 1999, to Concert Communications Sales LLC, identified as Certificate No. 198, will be cancelled.

IT IS THEREFORE ORDERED:

1. The Board will not a conduct a Iowa Code § 476.77 reorganization review of the transaction described in the filing by Concert Communications Sales LLC and Concert USA on March 17, 2000, because the transaction is not a "reorganization" as defined by statute.
2. The transfer of certificate from Concert Communications Sales LLC to Concert USA will be approved.
3. A certificate, identified as Certificate No. 0215, is issued to Concert USA with this order.
3. A cancellation of certificate, identified as Certificate No. 198 issued to Concert Communications Sales LLC, accompanies this order.
4. Concert USA is directed to file new tariffs in its name within 30 days of this order.

UTILITIES BOARD

/s/ Allan T. Thoms

/s/ Susan J. Frye

ATTEST:

/s/ Judi K. Cooper
Executive Secretary, Deputy

/s/ Diane Munns

Dated at Des Moines, Iowa, this 15th day of June, 2000.